

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA :

v. :

EVELYN FULLER :
MICHAEL McLEAN :

:
:
:
:

1:12CR 397-1
1:12CR 397-2



The Grand Jury charges:

COUNT ONE

1. At all times material herein:

A. Harvest House Community Development Corporation, Inc., was incorporated with the North Carolina Secretary of State on June 3, 2003, and its articles were amended on December 16, 2003. EVELYN FULLER and MICHAEL McLEAN were not listed in these filings.

B. Harvest House Community Development Corporation, Inc., opened a bank account at the Bank of America, N.A., account number xxx0339 on May 23, 2006, listing EVELYN FULLER as President.

C. A federal tax identification number for Harvest House Community Development Corporation, Inc., was obtained on September 20, 2006, by a relative of EVELYN FULLER.

D. Harvest House Community Development Corporation, Inc., submitted a provider application to the North Carolina

Division of Medicaid Assistance (DMA) and received approval and a provider number on November 7, 2006. EVELYN FULLER and MICHAEL McLEAN were not listed in any capacity on the provider application. A relative of EVELYN FULLER was listed as President of the Board.

E. A bank account in the name of Harvest House Community Development Corporation, Inc., was opened at Bank of America, N.A., on April 4, 2007, as account number XXX2429 listing EVELYN FULLER as Director and MICHAEL McLEAN as House Manager.

F. On August 30, 2007, Harvest House Community Development Corporation, Inc., Articles of Incorporation with the State of North Carolina were amended to show a friend of the defendants as President, EVELYN FULLER as Manager and MICHAEL McLEAN as Housing Manager.

MEDICAID PROGRAM

G. The Medicaid Program was enacted by Congress on July 30, 1965, under Title XIX of the Social Security Act. The Medicaid Act, Title 42, United States Code, Section 1396 et. seq., established the Medicaid program which provided medical insurance for individuals whose incomes were insufficient to meet the costs of necessary medical expenses, including children and disabled individuals. The Medicaid program covered, among other things, the cost of outpatient doctor visits, lab tests,

other diagnostic tests, mental health services, Community Support services and personal care services.

H. The Medicaid program in the State of North Carolina was administered by the Division of Medical Assistance (DMA) of the North Carolina Department of Health and Human Services. DMA is assisted in conducting certain programs by a local management entity (LME). A substantial portion of the DMA budget was funded by the United States Department of Health and Human Services.

I. Providers furnishing medical services to Medicaid patients filed claims electronically or by means of paper claims. Medicaid claim forms required that the provider certify the information on the claim was truthful.

J. Each claim submitted to the Medicaid program was required to identify a diagnosis code, the client's name and Medicaid number, a description of the service provided and the applicable billing code.

K. The Medicaid program could not process a claim without receiving a valid Medicaid number establishing the patient's identity and eligibility.

L. A billing code was a unique code used by the medical profession to describe a specific service performed by the Medicaid provider. Providers used a standardized coding

system established by the American Medical Association and the Healthcare Common Procedure Coding System (HCPCS).

M. Once the Medicaid program reviewed and adjudicated the claim, payment was made by check mailed to the provider's address. In the alternative, certain providers were paid electronically by wiring funds to the provider's designated bank account.

COMMUNITY SUPPORT PROGRAM

N. The Medicaid program provided Community Support services to eligible adults and children. Community Support was a direct and indirect periodic rehabilitative service in which the Community Support staff member provided medically necessary services and interventions that addressed the diagnostic and clinical needs of the recipient and also arranged, coordinated and monitored services on behalf of the recipient. Community Support services could be provided to an individual or a group.

O. Potential Community Support clients were required to be assessed by a physician, licensed psychologist, physician assistant or nurse practitioner and found to be in need of the Community Support service.

P. Community Support service providers were required to document the service in a daily service note containing the name of the recipient, service provided, date of service, place

of service and the signature and credentials or position of the service provider.

Q. Harvest House Community Development Corporation, Inc., submitted claims to DMA using HCPCS codes H0036(HA) (individual Community Support services, child) or H0036(HB) (individual Community Support, adult), which warranted that individual Community Support services had been provided to the recipient whose Medicaid number was listed on the claim.

2. From on or about June 1, 2007, continuing up to and including on or about November 21, 2008, the exact dates to the Grand Jurors unknown, in the County of Alamance, in the Middle District of North Carolina and elsewhere, EVELYN FULLER and MICHAEL McLEAN did unlawfully, willfully and knowingly conspire, combine, confederate and agree together with each other and with other individuals, both known and unknown to the Grand Jurors, to knowingly and willfully execute and attempt to execute a scheme and artifice to obtain, by means of materially false and fraudulent pretenses and representations, money and property owned by and under the custody and control of a health care benefit program affecting commerce, that is, Medicaid, in connection with the delivery of and payment for health care benefits, items and services in violation of Title 18, United States Code, Section 1347.

PURPOSE OF THE CONSPIRACY

3. It was the purpose of the conspiracy for EVELYN FULLER and MICHAEL McLEAN to unlawfully enrich themselves by, among other things: (a) concealing their ownership and participation in Harvest House Community Development Corporation, Inc.; (b) submitting or causing the submission of false and fraudulent claims to the Medicaid program; (c) concealing the submission of false and fraudulent claims to the Medicaid program; (d) paying Medicaid beneficiaries to obtain the use of the Medicaid beneficiary's Medicaid number so EVELYN FULLER and MICHAEL McLEAN could bill fraudulent claims to the Medicaid program; (e) using the Medicaid number of Medicaid beneficiaries without their knowledge or permission; and (f) diverting fraudulent proceeds for the personal use and benefit of the defendants and others associated with the defendants.

MANNER AND MEANS OF THE CONSPIRACY

4. The manner and means by which EVELYN FULLER and MICHAEL McLEAN sought to accomplish the objects and purpose of the conspiracy included, but were not limited, to the following:

A. EVELYN FULLER and MICHAEL McLEAN would and did conceal their involvement with Harvest House Community Development Corporation, Inc., from the Medicaid program.

B. EVELYN FULLER and MICHAEL McLEAN would and did pay cash to Medicaid recipients in order to obtain access to the recipient's Medicaid number.

C. EVELYN FULLER and MICHAEL McLEAN would and did submit or cause to be submitted fraudulent claims for Community Support service to the Medicaid program using the above Medicaid numbers for services which were never provided.

D. EVELYN FULLER and MICHAEL McLEAN would and did submit or cause to be submitted claims for service to the Medicaid program using other non-purchased Medicaid numbers without ever providing the service.

E. EVELYN FULLER and MICHAEL McLEAN would and did knowingly not maintain appropriate records documenting services as required by the Medicaid program.

F. EVELYN FULLER would and did attempt to conceal the failure to perform services by causing false records to be created.

G. EVELYN FULLER and MICHAEL McLEAN would and did obtain Medicaid numbers of Medicaid beneficiaries without their knowledge and submit or cause to be submitted claims for services to Medicaid which services were never provided.

H. EVELYN FULLER and MICHAEL McLEAN would and did divert funds fraudulently obtained from Medicaid for their personal use and use of others associated with them.

I. From on or about June 1, 2007, until on or about November 30, 2008, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN did submit and cause to be submitted claims to the Medicaid program for approximately \$400,000.00 for services which were not provided.

All in violation of Title 18, United States Code, Section 1349.

COUNT TWO

From on or about June 1, 2007, until on or about November 21, 2008, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN, during and in relation to a felony enumerated in Title 18, United States Code, Section 1028A(c), to wit: conspiracy to commit health care fraud, in violation of Title 18, United States Code, Section 1349, as alleged in Count One and incorporated by reference herein, did knowingly use, without lawful authority, a means of identification of another person, that is, the names and Medicaid numbers of persons whose initials are A.B., S.C., T.G. and others; in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

COUNT THREE

1. The Grand Jury realleges paragraphs one through four of Count One, as if set forth fully herein.

SCHEME

2. From on or about June 1, 2007, until on or about November 21, 2008, in the County of Alamance, in the Middle District of North Carolina, and elsewhere, EVELYN FULLER and MICHAEL McLEAN did knowingly and willfully execute and attempt to execute a scheme and artifice to obtain by means of materially false and fraudulent pretenses and representations, money and property owned by and under the custody and control of a health care benefit program affecting commerce, that is, Medicaid, in connection with the delivery and payment for health care benefits, items and services.

OBJECT OF THE SCHEME

3. It was the object of the scheme, among others, for EVELYN FULLER and MICHAEL McLEAN to pay Medicaid recipients for the use of the recipient's Medicaid number and then to file or cause to be filed false claims for services to Medicaid which were never rendered. It was also an object of the scheme for EVELYN FULLER and MICHAEL McLEAN to submit claims using other Medicaid numbers without ever providing the service claimed.

MANNER AND MEANS

4. The allegations contained in paragraph four of Count One (Manner and Means of the Conspiracy) are realleged and incorporated by reference as though fully set forth herein.

EXECUTION

5. From on or about October 30, 2007, until on or about December 4, 2007, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN did knowingly and willfully execute and attempt to execute a scheme and artifice to obtain, by means of materially false and fraudulent pretenses and representations, money and property owned by and under the custody and control of a health care benefit program affecting commerce, that is, Medicaid, in connection with the delivery of and payment for health care benefits, items, and services by submitting claims using billing code H0036 in the approximate amount of \$2,871.68 for allegedly providing Community Support services for the period October 30, 2007, until November 19, 2007, for client E.B. when, in fact, client E.B. did not receive such services; in violation of Title 18, United States Code, Sections 1347(a)(2) and 2.

COUNT FOUR

1. The Grand Jury realleges paragraphs one through four of Count One, as if set forth fully herein.

2. From on or about October 30, 2007, until on or about November 14, 2007, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN did knowingly and willfully execute and attempt to execute a scheme and artifice to obtain, by means of materially false and

fraudulent pretenses and representations, money and property owned by and under the custody and control of a health care benefit program affecting commerce, that is, Medicaid, in connection with the delivery of and payment for health care benefits, items, and services by submitting claims using billing code H0036(HA) in the approximate amount of \$1,025.00 for allegedly providing Community Support services for the period October 30, 2007, until November 8, 2007, for client R.E. when, in fact, client R.E. did not receive such services; in violation of Title 18, United States Code, Sections 1347(a)(2) and 2.

COUNT FIVE

1. The Grand Jury realleges paragraphs one through four of Count One, as if set forth fully herein.

2. From on or about October 30, 2007, until on or about November 14, 2007, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN did knowingly and willfully execute and attempt to execute a scheme and artifice to obtain, by means of materially false and fraudulent pretenses and representations, money and property owned by and under the custody and control of a health care benefit program affecting commerce, that is, Medicaid, in connection with the delivery of and payment for health care benefits, items, and services by submitting claims using billing code H0036(HA) in the approximate amount of \$1,025.00 for

allegedly providing Community Support services for the period October 30, 2007, until November 8, 2007, for client L.E. when, in fact, client L.E. did not receive such services; in violation of Title 18, United States Code, Sections 1347(a)(2) and 2.

COUNT SIX

1. The Grand Jury realleges paragraphs one through four of Count One, as if set forth fully herein.

2. From on or about October 30, 2007, until on or about November 14, 2007, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN did knowingly and willfully execute and attempt to execute a scheme and artifice to obtain, by means of materially false and fraudulent pretenses and representations, money and property owned by and under the custody and control of a health care benefit program affecting commerce, that is, Medicaid, in connection with the delivery of and payment for health care benefits, items, and services by submitting claims using billing code H0036(HA) in the approximate amount of \$1,025.00 for allegedly providing Community Support services for the period October 30, 2007, until November 8, 2007, for client G.E. when, in fact, client G.E. did not receive such services; in violation of Title 18, United States Code, Sections 1347(a)(2) and 2.

COUNT SEVEN

From on or about October 30, 2007, until on or about November 14, 2007, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN, during and in relation to a felony enumerated in Title 18, United States Code, Section 1028A(c), to wit: health care fraud, in violation of Title 18, United States Code, Section 1347, as alleged in Count Six and incorporated by reference herein, did knowingly use, without lawful authority, a means of identification of another person, that is, the name and Medicaid number of a person whose initials are G.E.; in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

COUNT EIGHT

1. The Grand Jury realleges paragraphs one through four of Count One, as if set forth fully herein.
2. From on or about October 30, 2007, until on or about December 20, 2007, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN did knowingly and willfully execute and attempt to execute a scheme and artifice to obtain, by means of materially false and fraudulent pretenses and representations, money and property owned by and under the custody and control of a health care benefit program affecting commerce, that is, Medicaid, in connection with the delivery of and payment for health care

benefits, items, and services by submitting claims using billing code H0036(HA) in the approximate amount of \$5,230.00 for allegedly providing Community Support services for the period October 30, 2007, until December 13, 2007, for client S.C. when, in fact, client S.C. did not receive such services; in violation of Title 18, United States Code, Sections 1347(a)(2) and 2.

COUNT NINE

From on or about October 30, 2007, until on or about December 20, 2007, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN, during and in relation to a felony enumerated in Title 18, United States Code, Section 1028A(c), to wit: health care fraud, in violation of Title 18, United States Code, Section 1347, as alleged in Count Eight and incorporated by reference herein, did knowingly use, without lawful authority, a means of identification of another person, that is, the name and Medicaid number of a person whose initials are S.C.; in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

COUNT TEN

1. The Grand Jury realleges paragraphs one through four of Count One, as if set forth fully herein.

2. From on or about October 30, 2007, until on or about March 4, 2008, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN did

knowingly and willfully execute and attempt to execute a scheme and artifice to obtain, by means of materially false and fraudulent pretenses and representations, money and property owned by and under the custody and control of a health care benefit program affecting commerce, that is, Medicaid, in connection with the delivery of and payment for health care benefits, items, and services by submitting claims using billing code H0036(HA) in the approximate amount of \$10,358.00 for allegedly providing Community Support services for the period October 30, 2007, until February 28, 2008, for client K.C. when, in fact, client K.C. did not receive such services; in violation of Title 18, United States Code, Sections 1347(a)(2) and 2.

COUNT ELEVEN

From on or about October 30, 2007, until on or about March 4, 2008, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN, during and in relation to a felony enumerated in Title 18, United States Code, Section 1028A(c), to wit: health care fraud, in violation of Title 18, United States Code, Section 1347, as alleged in Count Ten and incorporated by reference herein, did knowingly use, without lawful authority, a means of identification of another person, that is, the name and Medicaid number of a person whose initials are K.C.; in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

COUNT TWELVE

1. The Grand Jury realleges paragraphs one through four of Count One, as if set forth fully herein.

2. From on or about October 30, 2007, until on or about December 4, 2007, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN did knowingly and willfully execute and attempt to execute a scheme and artifice to obtain, by means of materially false and fraudulent pretenses and representations, money and property owned by and under the custody and control of a health care benefit program affecting commerce, that is, Medicaid, in connection with the delivery of and payment for health care benefits, items, and services by submitting claims using billing code H0036(HA) in the approximate amount of \$2,157.00 for allegedly providing Community Support services for the period October 30, 2007, until November 19, 2007, for client E.C. when, in fact, client E.C. did not receive such services; in violation of Title 18, United States Code, Sections 1347(a)(2) and 2.

COUNT THIRTEEN

1. The Grand Jury realleges paragraphs one through four of Count One, as if set forth fully herein.

2. From on or about October 30, 2007, until on or about March 27, 2008, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN did

knowingly and willfully execute and attempt to execute a scheme and artifice to obtain, by means of materially false and fraudulent pretenses and representations, money and property owned by and under the custody and control of a health care benefit program affecting commerce, that is, Medicaid, in connection with the delivery of and payment for health care benefits, items, and services by submitting claims using billing code H0036(HA) in the approximate amount of \$11,598.00 for allegedly providing Community Support services for the period October 30, 2007, until March 20, 2008, for client L.B. when, in fact, client L.B. did not receive such services; in violation of Title 18, United States Code, Sections 1347(a)(2) and 2.

COUNT FOURTEEN

From on or about October 30, 2007, until on or about March 27, 2008, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL MCLEAN, during and in relation to a felony enumerated in Title 18, United States Code, Section 1028A(c), to wit: health care fraud, in violation of Title 18, United States Code, Section 1347, as alleged in Count Thirteen and incorporated by reference herein, did knowingly use, without lawful authority, a means of identification of another person, that is, the name and Medicaid number of a person whose initials are L.B.; in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

COUNT FIFTEEN

1. The Grand Jury realleges paragraphs one through four of Count One, as if set forth fully herein.

2. From on or about October 30, 2007, until on or about February 5, 2008, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN did knowingly and willfully execute and attempt to execute a scheme and artifice to obtain, by means of materially false and fraudulent pretenses and representations, money and property owned by and under the custody and control of a health care benefit program affecting commerce, that is, Medicaid, in connection with the delivery of and payment for health care benefits, items, and services by submitting claims using billing code H0036(HA) in the approximate amount of \$6,256.00 for allegedly providing Community Support services for the period October 30, 2007, until December 31, 2007, for client A.B. when, in fact, client A.B. did not receive such services; in violation of Title 18, United States Code, Sections 1347(a)(2) and 2.

COUNT SIXTEEN

From on or about October 30, 2007, until on or about February 5, 2008, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN, during and in relation to a felony enumerated in Title 18, United States Code, Section 1028A(c), to wit: health care fraud,

in violation of Title 18, United States Code, Section 1347, as alleged in Count Fifteen and incorporated by reference herein, did knowingly use, without lawful authority, a means of identification of another person, that is, the name and Medicaid number of a person whose initials are A.B.; in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

COUNT SEVENTEEN

1. The Grand Jury realleges paragraphs one through four of Count One, as if set forth fully herein.

2. From on or about October 30, 2007, until on or about March 11, 2008, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN did knowingly and willfully execute and attempt to execute a scheme and artifice to obtain, by means of materially false and fraudulent pretenses and representations, money and property owned by and under the custody and control of a health care benefit program affecting commerce, that is, Medicaid, in connection with the delivery of and payment for health care benefits, items, and services by submitting claims using billing code H0036(HA) in the approximate amount of \$4,204.00 for allegedly providing Community Support services for the period October 30, 2007, until March 4, 2008, for client L.P. when, in fact, client L.P. did not receive such services; in violation of Title 18, United States Code, Sections 1347(a)(2) and 2.

COUNT EIGHTEEN

From on or about October 30, 2007, until on or about March 11, 2008, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN, during and in relation to a felony enumerated in Title 18, United States Code, Section 1028A(c), to wit: health care fraud, in violation of Title 18, United States Code, Section 1347, as alleged in Count Seventeen and incorporated by reference herein, did knowingly use, without lawful authority, a means of identification of another person, that is, the name and Medicaid number of a person whose initials are L.P.; in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

COUNT NINETEEN

1. The Grand Jury realleges paragraphs one through four of Count One, as if set forth fully herein.

2. From on or about October 30, 2007, until on or about February 5, 2008, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN did knowingly and willfully execute and attempt to execute a scheme and artifice to obtain, by means of materially false and fraudulent pretenses and representations, money and property owned by and under the custody and control of a health care benefit program affecting commerce, that is, Medicaid, in connection with the delivery of and payment for health care

benefits, items, and services by submitting claims using billing code H0036(HA) in the approximate amount of \$8,512.00 for allegedly providing Community Support services for the period October 30, 2007, until January 31, 2008, for client T.G. when, in fact, client T.G. did not receive such services; in violation of Title 18, United States Code, Sections 1347(a)(2) and 2.

COUNT TWENTY

From on or about October 30, 2007, until on or about February 5, 2008, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN, during and in relation to a felony enumerated in Title 18, United States Code, Section 1028A(c), to wit: health care fraud, in violation of Title 18, United States Code, Section 1347, as alleged in Count Nineteen and incorporated by reference herein, did knowingly use, without lawful authority, a means of identification of another person, that is, the name and Medicaid number of a person whose initials are T.G.; in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

COUNT TWENTY-ONE

1. The Grand Jury realleges paragraphs one through four of Count One, as if set forth fully herein.

2. From on or about November 2, 2007, until on or about December 4, 2007, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN did

knowingly and willfully execute and attempt to execute a scheme and artifice to obtain, by means of materially false and fraudulent pretenses and representations, money and property owned by and under the custody and control of a health care benefit program affecting commerce, that is, Medicaid, in connection with the delivery of and payment for health care benefits, items, and services by submitting claims using billing code H0036(HA) in the approximate amount of \$1,846.00 for allegedly providing Community Support services for the period November 2, 2007, until November 21, 2007, for client K.F. when, in fact, client K.F. did not receive such services; in violation of Title 18, United States Code, Sections 1347(a)(2) and 2.

COUNT TWENTY-TWO

1. The Grand Jury realleges paragraphs one through four of Count One, as if set forth fully herein.

2. From on or about November 2, 2007, until on or about December 4, 2007, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN did knowingly and willfully execute and attempt to execute a scheme and artifice to obtain, by means of materially false and fraudulent pretenses and representations, money and property owned by and under the custody and control of a health care benefit program affecting commerce, that is, Medicaid, in connection with the delivery of and payment for health care

benefits, items, and services by submitting claims using billing code H0036(HA) in the approximate amount of \$1,846.00 for allegedly providing Community Support services for the period November 2, 2007, until November 21, 2007, for client T.M. when, in fact, client T.M. did not receive such services; in violation of Title 18, United States Code, Sections 1347(a)(2) and 2.

COUNT TWENTY-THREE

1. The Grand Jury realleges paragraphs one through four of Count One, as if set forth fully herein.

2. From on or about November 2, 2007, until on or about December 4, 2007, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN did knowingly and willfully execute and attempt to execute a scheme and artifice to obtain, by means of materially false and fraudulent pretenses and representations, money and property owned by and under the custody and control of a health care benefit program affecting commerce, that is, Medicaid, in connection with the delivery of and payment for health care benefits, items, and services by submitting claims using billing code H0036(HA) in the approximate amount of \$1,846.00 for allegedly providing Community Support services for the period November 2, 2007, until November 21, 2007, for client K.H. when, in fact, client K.H. did not receive such services; in violation of Title 18, United States Code, Sections 1347(a)(2) and 2.

COUNT TWENTY-FOUR

From on or about November 2, 2007, until on or about December 4, 2007, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN, during and in relation to a felony enumerated in Title 18, United States Code, Section 1028A(c), to wit: health care fraud, in violation of Title 18, United States Code, Section 1347, as alleged in Count Twenty-Three and incorporated by reference herein, did knowingly use, without lawful authority, a means of identification of another person, that is, the name and Medicaid number of a person whose initials are K.H.; in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

COUNT TWENTY-FIVE

1. At all times herein material, Bank of America, N.A., was a financial institution within the meaning of Title 18, United States Code, Section 1956(c)(6) and Title 31, United States Code, Section 5312(a)(2), that is, a bank, the deposits of which were insured by the Federal Deposit Insurance Corporation, and was engaged in interstate commerce and in activities which affected interstate commerce in any way and degree.

2. The Grand Jury realleges paragraphs one through four of Count One, as if set forth fully herein.

3. On or about December 7, 2007, in the County of Alamance, in the Middle District of North Carolina, MICHAEL McLEAN did knowingly engage and attempt to engage in a monetary transaction, involving the use of Bank of America, N.A., in criminally derived property of a value greater than \$10,000, that is, the withdrawal of \$13,500.00 in cash from account number XXX2429, such property having been derived from specified unlawful activity, that is, health care fraud, in violation of Title 18, United States Code, Sections 1347 and 2.

All in violation of Title 18, United States Code, Sections 1957(a) and 2.

COUNT TWENTY-SIX

1. The Grand Jury realleges paragraphs one through four of Count One, as if set forth fully herein.

2. From on or about November 16, 2007, until on or about December 20, 2007, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN did knowingly and willfully execute and attempt to execute a scheme and artifice to obtain, by means of materially false and fraudulent pretenses and representations, money and property owned by and under the custody and control of a health care benefit program affecting commerce, that is, Medicaid, in connection with the delivery of and payment for health care benefits, items, and services by submitting claims using billing

code H0036(HA) in the approximate amount of \$410.00 for allegedly providing Community Support services for the period of November 16, 2007, until November 21, 2007, for client M.R. when, in fact, client M.R. did not receive such services; in violation of Title 18, United States Code, Sections 1347(a)(2) and 2.

COUNT TWENTY-SEVEN

1. The Grand Jury realleges paragraphs one through four of Count One, as if set forth fully herein.

2. From on or about December 3, 2007, until on or about March 4, 2008, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN did knowingly and willfully execute and attempt to execute a scheme and artifice to obtain, by means of materially false and fraudulent pretenses and representations, money and property owned by and under the custody and control of a health care benefit program affecting commerce, that is, Medicaid, in connection with the delivery of and payment for health care benefits, items, and services by submitting claims using billing code H0036(HA) in the approximate amount of \$6,051.00 for allegedly providing Community Support services for the period December 3, 2007, until February 28, 2008, for client L.R. when, in fact, client L.R. did not receive such services; in violation of Title 18, United States Code, Sections 1347(a)(2) and 2.

COUNT TWENTY-EIGHT

From on or about December 3, 2007, until on or about March 4, 2008, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN, during and in relation to a felony enumerated in Title 18, United States Code, Section 1028A(c), to wit: health care fraud, in violation of Title 18, United States Code, Section 1347, as alleged in Count Twenty-Eight and incorporated by reference herein, did knowingly use, without lawful authority, a means of identification of another person, that is, the name and Medicaid number of a person whose initials are L.R.; in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

COUNT TWENTY-NINE

1. At all times herein material, Bank of America, N.A., was a financial institution within the meaning of Title 18, United States Code, Section 1956(c)(6) and Title 31, United States Code, Section 5312(a)(2), that is, a bank, the deposits of which were insured by the Federal Deposit Insurance Corporation, and was engaged in interstate commerce and in activities which affected interstate commerce in any way and degree.

2. The Grand Jury realleges paragraphs one through four of Count One, as if set forth fully herein.

3. On or about February 20, 2008, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER did knowingly engage and attempt to engage in a monetary transaction, involving the use of Bank of America, N.A., in criminally derived property of a value greater than \$10,000, that is, the withdrawal of \$15,000.00 in cash from account number XXX2429, such property having been derived from specified unlawful activity, that is, health care fraud, in violation of Title 18, United States Code, Sections 1347 and 2.

All in violation of Title 18, United States Code, Sections 1957(a) and 2.

COUNT THIRTY

1. At all times herein material, Bank of America, N.A., was a financial institution within the meaning of Title 18, United States Code, Section 1956(c)(6) and Title 31, United States Code, Section 5312(a)(2), that is, a bank, the deposits of which were insured by the Federal Deposit Insurance Corporation, and was engaged in interstate commerce and in activities which affected interstate commerce in any way and degree.

2. The Grand Jury realleges paragraphs one through four of Count One, as if set forth fully herein.

3. On or about March 12, 2008, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER did

knowingly engage and attempt to engage in a monetary transaction, involving the use of Bank of America, N.A., in criminally derived property of a value greater than \$10,000, that is, the withdrawal of \$30,000.00 in cash from account number XXX2429, such property having been derived from specified unlawful activity, that is, health care fraud, in violation of Title 18, United States Code, Sections 1347 and 2.

All in violation of Title 18, United States Code, Sections 1957(a) and 2.

COUNT THIRTY-ONE

1. The Grand Jury realleges paragraphs one through four of Count One, as if set forth fully herein.

2. From on or about April 16, 2008, until on or about October 21, 2008, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL MCLEAN did knowingly and willfully execute and attempt to execute a scheme and artifice to obtain, by means of materially false and fraudulent pretenses and representations, money and property owned by and under the custody and control of a health care benefit program affecting commerce, that is, Medicaid, in connection with the delivery of and payment for health care benefits, items, and services by submitting claims using billing code H0036(HA) in the approximate amount of \$3,897.00 for allegedly providing Community Support services for the period

April 16, 2008, until September 30, 2008, for client T.W. when, in fact, client T.W. did not receive such services; in violation of Title 18, United States Code, Sections 1347(a)(2) and 2.

COUNT THIRTY-TWO

From on or about April 16, 2008, until on or about October 21, 2008, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN, during and in relation to a felony enumerated in Title 18, United States Code, Section 1028A(c), to wit: health care fraud, in violation of Title 18, United States Code, Section 1347, as alleged in Count Thirty-Two and incorporated by reference herein, did knowingly use, without lawful authority, a means of identification of another person, that is, the name and Medicaid number of a person whose initials are T.W.; in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

COUNT THIRTY-THREE

1. The Grand Jury realleges paragraphs one through four of Count One, as if set forth fully herein.

2. On or about April 16, 2008, in the County of Alamance, in the Middle District of North Carolina, EVELYN FULLER and MICHAEL McLEAN did knowingly and willfully execute and attempt to execute a scheme and artifice to obtain, by means of materially false and fraudulent pretenses and representations, money and property owned by and under the custody and control of

a health care benefit program affecting commerce, that is, Medicaid, in connection with the delivery of and payment for health care benefits, items, and services by submitting claims using billing code H0036(HA) in the approximate amount of \$410.00 for allegedly providing Community Support services for the day of April 16, 2008, for client J.W. when, in fact, client J.W. did not receive such services; in violation of Title 18, United States Code, Sections 1347(a)(2) and 2.

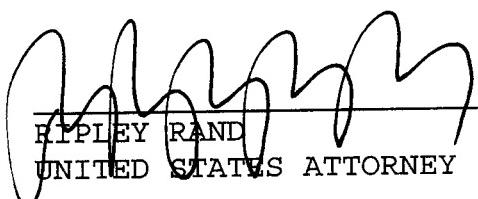
A TRUE BILL:



JACQUELINE PEREZ
SPECIAL ASSISTANT UNITED STATES ATTORNEY



ROBERT M. HAMILTON
ASSISTANT UNITED STATES ATTORNEY



RIPLEY RAND
UNITED STATES ATTORNEY